

**Village of Irvington
Zoning Board of Appeals**

Minutes of Meeting held March 25, 2003

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M. on Tuesday, March 25, 2003, in the former Village Library, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
George Rowe
Paul M. Giddins
Robert Bronnes
Bruce Clark

Mr. Lustenberger acted as Chairman and Mr. Giddins as Secretary of the meeting.

The minutes of the February, 2003 meeting were duly approved.

There were two matters on the agenda:

Case No.

2003-11 **William & Emily Jones** – 16 Grinnell Street (Sheet 6, Block 214; Lot 12)

The Applicants appeared by their architect Robert Reilly.

The Applicants filed a letter from the Village Administrator confirming that, on March 17, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Irvington Zoning Ordinance (the "Code"), the Applicant filed the applicable proofs of service.

The Applicants sought a variance from the provisions of §§ 224-11 (set backs) and 224-13 (coverage) of the Code, to legalize and permit the continuance of a non-conforming deck at the rear of the Applicants' house.

The Board reviewed drawings submitted by the Applicants and noted the character of the lots in the vicinity of the Applicants' lot, almost all of which were laid out or improved before the enactment of the Code provisions applicable to that area, and almost all of which are non-conforming.

After weighing the applicable factors, and after taking into account the criteria enumerated in Village Law § 7-712(b), the board concluded that the benefit to the Applicants from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicants could not feasibly be achieved by any method other than a variance, and that the requested variances were small. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or

district and that the hardship necessitating the request for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chair man then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicant's request for a variance. The Board voted unanimously to grant the request for a variance.

2003-12 James Reich (Jim Parker Lessee) – 63 Main Street (Sheet 5, Block 209; Lot 16)

The Applicant appeared by James Parker and Marybeth Dooley.

Mr. Bronnes recused himself from consideration of the application as he is an Affected Property Owner.

The Applicants filed a letter from the Village Administrator confirming that, on March 17, 2003, the Mayor and the Trustees approved the Applicants' request for a waiver from the Interim Development Law of the Village of Irvington 2003 (building moratorium) so as to permit the within application for a variance to be heard.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Irvington Zoning Ordinance (the "Code"), the Applicant filed the applicable proofs of service.

The Applicants sought a variance from the provisions of § 224-36A(11) of the Code, to permit the continuance of a non conforming sign at the restaurant located at 63 Main Street.

The Board reviewed photographs of the proposed sign and noted that it would be of the same dimensions and in the exact same location as the existing sign for the

restaurant that formerly occupied the premises. The Board concluded that the proposed sign should retain its present dimensions (the dimensions of the sign already there) and that only the face thereof should change in the manner depicted at the hearing.

After weighing the applicable factors, and after taking into account the criteria enumerated in Village Law § 7-712(b), the board concluded that the benefit to the Applicants from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, that the benefit sought by Applicants could not feasibly be achieved by any method other than a variance, and that the requested variances were small. The Board further concluded that the requested variances would not adversely affect the physical or environmental conditions of the neighborhood or district and that the hardship necessitating the request for the variances, while self-created, did not for that reason alone outweigh the factors favoring the variances.

There was no opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board, other than Mr. Bronnes, voted on the Applicant's request for a variance.

. The Board voted unanimously to grant the request for a variance, subject to the conditions that the sign retain its present dimensions and that the display thereon conform to the illustration presented at the hearing and made a part of the record therein.

There being no further business, the meeting was, upon motion duly made and seconded, unanimously adjourned.

/s/ Paul M. Giddins
Paul M. Giddins